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B1, 1.4(D)

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ACTION ARA-01

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| INFO | LOG-00  | ACDA-08 | ACDE-00 | AID-00  | ACQ-01  | CEA-01  | CTME-00 |
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P 281831Z OCT 98  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC PRIORITY 2092  
INFO AMEMBASSY BOGOTA  
AMEMBASSY QUITO  
AMEMBASSY LIMA  
AMEMBASSY LA PAZ  
CIA WASHDC  
DIA WASHDC  
USIA WASHDC 1867  
USCINCSO MIAMI FL  
AMEMBASSY GEORGETOWN  
AMEMBASSY BRASILIA  
USDOC WASHDC 3186

C O N F I D E N T I A L SECTION 01 OF 03 CARACAS 003253

E.O. 12958: DECL: 10/27/08  
TAGS: PGOV, PREL, ECON, EFIN, VE  
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SUBJECT: THE FIVE PHASES OF CHAVEZ'S CONSTITUYENTE

REF: CARACAS 2912

CLASSIFIED BY THOMAS A. SHANNON, POLITICAL COUNSELOR. REASON: 1.5  
(B)

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SUMMARY  
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1. (U) A "CONSTITUYENTE" OR CONSTITUTIONAL ASSEMBLY IS THE  
"ABSOLUTE EXPRESSION OF POPULAR SOVEREIGNTY" PRESIDENTIAL CANDIDATE  
HUGO CHAVEZ SAID DURING A SEPTEMBER 23 SPEECH IN CARACAS.

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ALAN H FLANIGAN  
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)  
DECLASSIFY AFTER: 27 OCT 2018  
DATE/CASE ID: 08 JUN 2007 200504156

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PROCLAIMING A CONSTITUYENTE "OMNIPOTENT," CHAVEZ SAID A CONSTITUTIONAL ASSEMBLY, ONCE CONVOKED, HAD A LIFE OF ITS OWN AND COULD DISSOLVE OTHER BRANCHES OF GOVERNMENT SHOULD IT SEE FIT TO DO SO. CHAVEZ ALSO INDICATED THAT HE HAD NO RESERVATION ABOUT BREAKING WITH VENEZUELA'S CURRENT CONSTITUTIONAL ORDER TO CONVOKE A CONSTITUYENTE. END SUMMARY.

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PHASE I: ACTIVATION OF THE CONSTITUYENTE POWER  
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2. (U) PRESIDENTIAL CANDIDATE HUGO CHAVEZ SPOKE SEPTEMBER 23 AT THE ATENEO CULTURAL CENTER IN CARACAS ON THE THEME OF THE "CONSTITUYENTE" OR CONSTITUTIONAL ASSEMBLY. THE SPEECH WAS PART OF A FORUM ORGANIZED BY THE PRESIDENTIAL COMMISSION FOR REFORM OF THE STATE (COPRE). CHAVEZ HAS MADE THE CONSTITUYENTE A CENTRAL ASPECT OF HIS CAMPAIGN AND POLITICAL MESSAGE. AT FIRST A MARKETING TOOL  
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DESIGNED TO UNDERScore HIS COMMITMENT TO FUNDAMENTAL POLITICAL CHANGE IN VENEZUELA, THE IDEA HAS BEGUN TO HARDEN INTO A MAJOR PLANK OF CHAVEZ'S PROGRAM OF GOVERNMENT. THE ATENEO SPEECH WAS THE FIRST TIME CHAVEZ HAS SOUGHT TO DEFINE PUBLICLY THE CONSTITUYENTE.

3. (U) CHAVEZ CALLED THE CONSTITUYENTE THE "ABSOLUTE EXPRESSION OF POPULAR SOVEREIGNTY." ONCE CONVOKED, CHAVEZ INSISTED, A CONSTITUYENTE WOULD TAKE ON A LIFE OF ITS OWN AND HAD THE AUTHORITY AN POWER TO RESHAPE THE STATE, INCLUDING DISSOLVING BRANCHES OF GOVERNMENT. HE DEFINED HIS CANDIDACY IN TERMS OF THE CONSTITUYENTE, AND CLAIMED THAT, IF ELECTED, HE WOULD HAVE THE MORAL AND POLITICAL AUTHORITY TO CONVOKE A CONSTITUYENTE. HE ARGUED THAT TRADITIONAL POLITICAL PARTIES IN THE CONGRESS COULD NOT BE PERMITTED TO THWART THE WILL OF THE PEOPLE.

4. (U) CHAVEZ SAID THE CONSTITUYENTE IS A FIVE-PART "HISTORICAL PROCESS" WHICH CULMINATES IN THE IMPLEMENTATION OF A NEW CONSTITUTION. THE FIRST PHASE IS THE "ACTIVATION" OF THE CONSTITUYENTE. OF THIS PHASE, CHAVEZ SAID:

-- THE CONSTITUYENTE POWER ALWAYS EXISTS IN LATENT FORM. THIS LATENT POWER IS COMPARABLE TO ICE THAT CAN BE TRANSFORMED INTO WATER AND THEN INTO VAPOR.

-- THE FEBRUARY 1989 RIOTING KNOWN AS THE "CARACAZO" BEGAN THE REACTIVATION OF THE CONSTITUYENTE POWER. SUBSEQUENTLY, CHAVEZ'S OWN FEBRUARY 4, 1992 COUP ATTEMPT AND THE SEPARATE NOVEMBER 27, 1992 COUP ATTEMPT CONTRIBUTED TO THE REACTIVATION OF THIS POWER.

-- SUFFICIENT "PUBLIC CONSCIOUSNESS" OF THE NEED FOR A

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CONSTITUYENTE HAS BEEN ACHIEVED. THE DEBATE IS NO LONGER ABOUT  
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WHETHER OR NOT TO HAVE CONSTITUYENTE. THERE IS GENERAL AGREEMENT  
THAT THERE MUST BE A CONSTITUYENTE. A VANGUARD OF IMPORTANT  
"SOCIAL SECTORS" HAS BEEN ACTIVATED TO LEAD VENEZUELA THROUGH THE  
PROCESS OF THE CONSTITUYENTE.

-- THE FIRST PHASE IS COMPLETE.

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PHASE II: THE CONTRACTUAL PHASE  
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5. (U) THE SECOND PHASE OF THE CONSTITUYENTE, CHAVEZ SAID, WILL  
TAKE PLACE ON DECEMBER 6. THIS IS THE "CONTRACTUAL PHASE" WHICH  
WILL BE COMPLETED WITH HIS ELECTION AS PRESIDENT OF VENEZUELA. HE  
SAID:

-- HE IS LINKED INEXTRICABLY TO THE CONSTITUYENTE. BOTTOM LINE:  
NO CHAVEZ PRESIDENCY, NO TRUE CONSTITUYENTE.

-- NO OTHER CANDIDATE HAS "TAKEN THE RESPONSIBILITY" TO ENGAGE THE  
CONSTITUYENTE. HE IS THE ONLY CANDIDATE WHO WILL ENSURE A TRUE  
CONSTITUYENTE.

-- HE HAS BEEN ENGAGED IN THIS CONSTITUYENTE PROCESS SINCE HE WAS

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P 281831Z OCT 98  
FM AMEMBASSY CARACAS  
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INFO AMEMBASSY BOGOTA

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AMEMBASSY QUITO  
AMEMBASSY LIMA  
AMEMBASSY LA PAZ  
CIA WASHDC  
DIA WASHDC  
USIA WASHDC 1868  
USCINCSO MIAMI FL  
AMEMBASSY GEORGETOWN  
AMEMBASSY BRASILIA  
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REF: CARACAS 2912

RELEASED FROM YARE PRISON ON MARCH 27, 1994. QUOTING VENEZUELAN  
NATIONAL HERO SIMON BOLIVAR, CHAVEZ STATED, "GOD GRANTS VICTORY TO  
THOSE WHO PERSEVERE.

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PHASE III: THE CONVOCAION OF A CONSTITUTIONAL ASSEMBLY  
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6. (U) PHASE THREE IS THE "CONVOCAION" OF THE CONSTITUYENTE.  
CHAVEZ SAID:

-- HIS ELECTION WILL BE AN EXPRESSION OF POPULAR SUPPORT FOR THE  
CONSTITUYENTE. AS PRESIDENT, HE WILL HAVE THE AUTHORITY AND  
MANDATE TO CONVOKE THE CONSTITUYENTE.

-- THERE IS NO NEED TO ABIDE BY A SINGLE WORD IN THE 1961  
CONSTITUTION. THERE HAS BEEN A CONSTITUTIONAL "FAILURE," AND THE  
CURRENT CONSTITUTION IS "ILLEGITIMATE," SINCE IT SEEKS TO PERPETUATE  
THE RULE OF TRADITIONAL PARTIES AND NOT THE WILL OF THE PEOPLE.

-- ARTICLE 181 OF THE ORGANIC SUFFRAGE LAW PERMITS THE CALLING OF  
REFERENDA TO DISCUSS "TRANSCENDENTAL" ISSUES OF THE NATION. THIS  
CAN BE DONE BY EITHER APPROVAL OF TWO-THIRDS OF BOTH HOUSES OF  
CONGRESS, THE COLLECTION OF NOTARIZED SIGNATURES FROM 100F  
REGISTERED VOTERS, OR BY DECREE OF THE PRESIDENT APPROVED BY THE  
COUNCIL OF MINISTERS.

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-- HE HAS ALREADY PREPARED THE DECREE TO CALL A CONSTITUTIONAL ASSEMBLY, AND HAS ALREADY SET A DATE.

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PHASE IV: THE CONSTITUTIONAL ASSEMBLY  
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7. (U) THE FOURTH PHASE IS THE ASSEMBLY ITSELF. CHAVEZ SAID:

-- A "FULL REVOLUTION" WILL BE IN PROGRESS ONCE THE CONSTITUTIONAL CONGRESS IS CALLED.

-- THIS REVOLUTION CANNOT BE ARBITRARY NOR EXCLUDE PEOPLE, BUT MUST BE DEMOCRATIC AND PEACEFUL.

-- THE CONSTITUYENTE MUST FUNDAMENTALLY TRANSFORM VENEZUELA'S GOVERNMENT.

-- THIS ASSEMBLY WOULD HAVE THE ABILITY TO ABOLISH CONGRESS, DISBAND THE JUDICIARY, OR REMOVE THE PRESIDENT. "ONCE THE CONSTITUTIONAL ASSEMBLY HAS BEEN ESTABLISHED, IT CAN COLLAPSE ALL OTHER EXISTING CONSTITUTED POWERS." THIS ASSEMBLY WILL HAVE FULL "SOVEREIGN POWER," AND CANNOT BE "RESTRAINED" OR "KIDNAPPED."

-- THE JUDICIARY MUST BE MADE "TRULY NEUTRAL," BE LIBERATED FROM THE MINISTRY OF JUSTICE, AND SEPARATED FROM THE POLITICAL PARTY HIERARCHIES.

-- THE LEGISLATIVE BRANCH MUST BE "RELEGITIMIZED."

-- THE EXECUTIVE MUST BE REFORMED, AND THERE MUST BE ASSURANCES  
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THAT THE PRESIDENT IS ELECTED BY MAJORITY, NOT PLURALITY. THE PRESIDENTIAL ELECTION SHOULD CONSIST OF TWO ROUNDS OF VOTING. THE POSITION OF PRIME MINISTER SHOULD BE ESTABLISHED.

-- THE "MORAL POWERS" (E.G. THE PROSECUTOR GENERAL'S OFFICE, THE COMPTROLLER GENERAL'S OFFICE, AND THE OFFICE OF PUBLIC DEFENDERS) MUST BE TRULY INDEPENDENT AND REDEEMED.

-- A "NATIONAL PROJECT" WITH "CONSTITUTIONAL STATUS" MUST BE ESTABLISHED. THIS PROJECT WOULD LAY OUT A 50 YEAR PLAN FOR DEVELOPMENT TO ENSURE THAT THE "CAPRICIOUS" AND "PERSONAL" PLANS OF INDIVIDUAL PRESIDENTS DO NOT LEAD THE NATION ASTRAY AGAIN.

-- AN ADDITIONAL REFERENDUM MIGHT SET A TIME LIMIT FOR THE

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DELIBERATIONS OF THE ASSEMBLY.

-- EACH SEGMENT OF THIS "COMPLEX" DOCUMENT SHOULD BE APPROVED BY REFERENDA. A FINAL REFERENDUM WILL APPROVE THE FINAL TEXT OF A NEW CONSTITUTION.

-- THE COMPLETION OF THE NEW CONSTITUTION--"THE BIRTH OF THE FIFTH REPUBLIC"--WILL BE ON JULY 5, 1999.

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AMEMBASSY LA PAZ  
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DIA WASHDC  
USIA WASHDC 1869  
USCINCSO MIAMI FL  
AMEMBASSY GEORGETOWN  
AMEMBASSY BRASILIA  
USDOC WASHDC 3188

C O N F I D E N T I A L SECTION 03 OF 03 CARACAS 003253

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PHASE V: EXECUTION

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8. (U) THE FIFTH AND FINAL PHASE OF THE CONSTITUYENTE WILL BE ITS IMPLEMENTATION. CHAVEZ DID NOT EXPLAIN HOW A NEW CONSTITUTION WOULD BE IMPLEMENTED. HE ONLY STATED, "MAY GOD HELP US ON OUR WAY."

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COMMENT  
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9. (C)



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10. (C) TIME WILL TELL WHETHER CHAVEZ'S EFFORTS TO DEFINE HIS IDEA OF CONSTITUYENTE WILL RESONATE POSITIVELY WITHIN THE ELECTORATE. HOWEVER, WHAT WAS A CLEVER MARKETING TOOL DESIGNED TO HIGHLIGHT HIS COMMITMENT TO FUNDAMENTAL POLITICAL CHANGE HAS NOW BEEN TURNED INTO A PROGRAM OF GOVERNMENT. IT WILL CERTAINLY BE USED BY HIS OPPONENTS TO HEIGHTEN DOUBTS ABOUT HIS COMMITMENT TO DEMOCRATIC PROCESS AND THE RELIABILITY OF A PRESIDENT WHO WOULD COMMIT VENEZUELA TO AN OPEN-ENDED CONSTITUTION-WRITING WHICH COULD LEAD TO CONFUSION AND CONFLICT AT A MOMENT WHEN THE COUNTRY REQUIRES CONSENSUS AND DIRECTION.

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